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Attorneys for Defendant First Advantage Background Services Corp.

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Justin Downing, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

Lowe's Home Centers, LLC, a North
Carolina limited liability company, and
First Advantage Background Services
Corp., a Florida corporation,

Defendants.

Case No.: 3:22-cv-08159-SPL

**STIPULATION FOR PROTECTIVE
ORDER**

1 Pursuant to Rule 26(c), Federal Rules of Civil Procedure, Plaintiff Justin Downing
2 (“Plaintiff”) and Defendant First Advantage Background Services Corp. (“Defendant”)
3 hereby enter into this stipulation to request a protective order regarding the production of
4 Confidential Documents, including consumer reports, trade secrets, privileged
5 communications, or other confidential research, development, or commercial
6 information, contracts with vendors, policies and procedures, handbooks, training
7 materials, information related to processes, financial information, and any other
8 proprietary materials subsequently ordered produced by the Court (the “Protected
9 Documents”). The parties have entered into this stipulation and protective order to
10 expedite the flow of discovery materials, facilitate the prompt resolution of disputes over
11 confidentiality, adequately protect material entitled to be kept confidential, and ensure
12 the protection is afforded only to material so entitled.

13 While the parties acknowledge the Court’s general practice of declining to adopt
14 umbrella protective orders, the instant case warrants a departure from this general
15 practice. Relevant here, this case will involve a significant volume of consumer reports
16 regarding Plaintiff and putative class members. The proposed protective order is entered
17 into to enable the parties to share information protected from disclosure and to safeguard
18 that information on a prospective basis. Nothing in the protective order grants either party
19 the guarantee that documents and information designated as confidential will be filed
20 under seal. Instead, the proposed order requires that confidential information to be filed
21 pursuant to LRCiv. 5.6. As such, the proposed protective order is narrowly tailored to
22 protect sensitive documents in the case and does not modify the Court’s rules requiring
23 the parties to carry their burden to demonstrate that documents or information filed in
this case should be shielded from public view.

24 Accordingly, the parties stipulate and request that the Court grant the proposed
25 protective attached as Exhibit A.

1 Dated: October 9, 2023

JUSTIN DOWNING, individually and on
behalf of all others similarly situated,

3 By: /s/ Taylor T. Smith

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15 *Attorneys for Plaintiff and the Putative Class*

1 Dated: October 9, 2023

By: /s/ Henry R. Chalmers

2 Henry R. Chalmers

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16 *Background Services Corp.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on October 9, 2023.

/s/ Taylor T. Smith